



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Twenty-second Meeting Day

Tuesday Afternoon

February 26, 2008

The Senate convened at 4:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Jamalyn Williamson, Greensburg United Methodist.

The Pledge of Allegiance to the Flag was led by Senator Robert N. Jackman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks <input checked="" type="checkbox"/>
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford <input checked="" type="checkbox"/>	Skinner
Gard	Smith
Hershman	Steele
Howard <input checked="" type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 245: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

Report of the Senate Committee on Ethics

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 26, 2008, to render an advisory opinion with regard to the question raised by Senator Boots about his participation in the upcoming vote on Engrossed House Bill 1118 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Boots and hereby recommends that Senator Boots be excused from participation in all votes pertaining to Engrossed House Bill 1118 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

DILLON, Chair

Report adopted.

MEMORANDUM

TO: Senator David Long
FROM: Senator Robert Meeks
RE: Authorization for second sponsor to call bills
DATE: February 26, 2008

Pursuant to Senate Rule 73, in my absence I have notified the President Pro Tempore that I am hereby granting my permission for the second sponsor to call for second reading all bills on which I am the first sponsor.

Verified: SENATOR DAVID LONG

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1042

Senator Steele called up Engrossed House Bill 1042 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1052

Senator Riegsecker called up Engrossed House Bill 1052 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1052-1)

Madam President: I move that Engrossed House Bill 1052 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and motor vehicles."

Page 5, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 7. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A person who **knowingly or intentionally** fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

(1) a Class D felony if:

(A) the accident involves serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a); ~~and~~

(2) a Class C felony if the accident involves the death of a person;

(3) a Class B felony if the person knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4); and

(4) a Class A felony if the person knowingly or intentionally failed to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing death (IC 9-30-5-5).

(b) A person who **knowingly or intentionally** fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor."

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 9. IC 9-30-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. **(a) Except as provided in subsection (b),** a person who violates section 1 or 2 of this chapter commits a Class D felony if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b) or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter commits a Class C felony if:

(1) the person has a previous conviction of operating while intoxicated causing death (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4).

SECTION 10. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a ~~Class D~~ **Class C** felony. However, the offense is a ~~Class C~~ **Class B** felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding

the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 11. IC 9-30-5-5, AS AMENDED BY P.L.2-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A person who causes the death of another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the motor vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a ~~Class B~~ **Class A** felony.

(c) A person who violates subsection (a) or (b) commits a separate offense for each person whose death is caused by the violation of subsection (a) or (b).

(d) It is a defense under subsection (a)(2) or subsection (b)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 12. IC 9-30-5-10, AS AMENDED BY P.L.172-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter or IC 14-15-8, the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. **The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the**

suspension otherwise complies with the periods established in this section.

(b) If the court finds that the person:

- (1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or
- (2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in

schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

SECTION 13. IC 35-50-1-2, AS AMENDED BY P.L.1-2006, SECTION 549, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) As used in this section, "crime of violence" means **the following**:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1). ~~or~~
- (14) **Operating a motor vehicle while intoxicated** causing death ~~when operating a motor vehicle~~ (IC 9-30-5-5).
- (15) **Operating a motor vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).**
- (16) **Resisting law enforcement as a felony (IC 35-44-3-3).**

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

- (1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
- (2) while the person is released:
 - (A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 14. [EFFECTIVE JULY 1, 2008] **IC 9-26-1-8, IC 9-30-5-3, IC 9-30-5-4, and IC 9-30-5-5, all as amended by this act, apply only to crimes committed after June 30, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1052 as printed February 22, 2008.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1061

Senator Bray called up Engrossed House Bill 1061 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1062

Senator Steele called up Engrossed House Bill 1062 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1074

Senator Charbonneau called up Engrossed House Bill 1074 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1108

Senator Merritt called up Engrossed House Bill 1108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1113

Senator Bray called up Engrossed House Bill 1113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1118

Senator Weatherwax called up Engrossed House Bill 1118 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1118-11)

Madam President: I move that Engrossed House Bill 1118 be amended to read as follows:

Page 21, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 46. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. ~~Dealers' Permits Limited.~~ (a) The commission may grant: ~~only~~

(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):

(A) one (1) beer dealer's permit ~~and~~ for each two thousand (2,000) persons, or a fraction thereof; or

(B) two (2) beer dealer's permits;

whichever is greater, within the incorporated city or town;

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) beer dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or

(B) eight (8) beer dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) beer dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty-three (23) beer dealer's permits;

whichever is greater, within the incorporated city or town.

(b) The commission may grant:

(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):

(A) one (1) liquor dealer's permit ~~in an incorporated city, town or unincorporated town~~ for each ~~one two~~ thousand five hundred ~~(1,500)~~ (2,000) persons, or a fraction thereof; or

(B) two (2) liquor dealer's permit;

whichever is greater, within the incorporated city or town; ~~or unincorporated town;~~

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or

(B) eight (8) liquor dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty-three (23) liquor dealer's permits;

whichever is greater, within the incorporated city or town.

(c) The commission may grant in an area in the county outside an incorporated city or town:

(1) one (1) beer dealer's permit for each two thousand five hundred (2,500) persons, or a fraction thereof; or

two (2) beer dealer's permits, whichever is greater; and

(2) one (1) liquor dealer's permits for each two thousand five hundred (2,500) persons, or a fraction thereof; or two (2) liquor dealer's permits, whichever is greater;

within the area in a county outside an incorporated city or town.

(d) Notwithstanding subsections (a), (b), and (c), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer that:

- (1) held a permit before July 1, 2008; and
- (2) does not qualify for a permit under the quota restrictions set forth in subsection (a), (b), or (c).

(e) Notwithstanding subsection (a) or (c), the commission may grant not more than two (2) new beer dealer's permits or five percent (5%) of the total beer dealer permits established under the quota restrictions set forth in subsection (a) or (c), whichever is greater, for each of the following:

- (1) An incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (a).
- (2) An area in a county outside an incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (c).

(f) Notwithstanding subsection (b) or (c), the commission may grant not more than two (2) new liquor dealer's permits or five percent (5%) of the total liquor dealer permits established under the quota restrictions set forth in subsection (b) or (c), whichever is greater, for each of the following:

- (1) An incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (b).
- (2) An area in a county outside an incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (c)."

Delete pages 22 through 23.

Page 36, line 29, strike "December 31, 2010." and insert **"December 31, 2011."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1118 as printed February 22, 2008.)

WEATHERWAX

Motion prevailed.

SENATE MOTION (Amendment 1118-6)

Madam President: I move that Engrossed House Bill 1118 be amended to read as follows:

Page 13, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 29. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer

allow it to be consumed on the licensed premises.

(d) Except as provided in subsection ~~(e)~~; (f), a beer dealer shall be entitled to sell beer to a customer and to deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office.

(e) This subsection does not apply to a package liquor store. Beer shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.

(f) A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

~~(e)~~ (g) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 15, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 34. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) This subsection does not apply to a package liquor store. Liquor shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least

twenty-one (21) years of age.

(c) (d) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) (e) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises."

Page 17, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 37. IC 7.1-3-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine for consumption off the licensed premises only and not by the drink.

(b) This subsection does not apply to a package liquor store. Wine shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.

(b) (c) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) (d) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

(d) (e) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold."

Renumber all SECTIONS consecutively.
(Reference is to EHB 1118 as printed February 22, 2008.)

DELPH

Senator Delph withdrew the motion.

SENATE MOTION
(Amendment 1118-3)

Madam President: I move that Engrossed House Bill 1118 be amended to read as follows:

Page 33, between lines 2 and 3, begin a new line block indented and insert:

"(3) A notice printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health."

Page 33, line 19, after "number" delete "that" and insert "for".

Page 33, line 20, delete "provides".

Page 33, line 35, delete "a" and insert "the following:

(1) A".

Page 33, line 37, after "store."" insert ".

(2) A sign printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health."

(Reference is to EHB 1118 as printed February 22, 2008.)

SIMPSON

Motion prevailed.

SENATE MOTION
(Amendment 1118-8)

Madam President: I move that Engrossed House Bill 1118 be amended to read as follows:

Page 21, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 46. IC 7.1-3-20-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11.5. (a) The commission may issue a three-way permit for the sale of alcoholic beverages, for on-the-licensed-premises consumption only, to the proprietor of a restaurant which is located in a city or town that has a population of less than ~~twenty thousand (20,000)~~; **twenty-five thousand (25,000)**, if the applicant meets the following requirements:

(1) The establishment is the holder of a one-way or a two-way permit.

(2) The establishment is qualified to hold a three-way permit but for the provisions of IC 7.1-3-22-3.

(b) A permit that is issued under this section may be transferred.

(c) The annual license fee for a three-way retailer's permit issued under this section is the same as the fee for a three-way retailer's permit issued under other provisions of this chapter. A person who holds a three-way retailer's permit under this section is not required to pay an annual license fee for any one-way or two-way retailer's permit that the person must hold to maintain eligibility for a three-way retailer's permit under this section."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1118 as printed February 22, 2008.)

SIPES

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1119

Senator Weatherwax called up Engrossed House Bill 1119 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1119-3)

Madam President: I move that Engrossed House Bill 1119 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-4-8, AS AMENDED BY P.L.72-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. ~~(a) As used in this section, "exempt amount" means, in the case of a member who has not attained the Social Security normal retirement age for unreduced benefits, thirty-five thousand dollars (\$35,000); computed for the calendar year in which a retired public employees' retirement fund member is reemployed and computed for the fiscal year in which a retired teachers' retirement fund member is reemployed:~~

~~(b) This subsection does not apply to a member who is employed by the department of education or after June 30, 2007, to a member of the Indiana state teachers' retirement fund who is reemployed more than ninety (90) days after the member's retirement in a position covered by the Indiana state teachers' retirement fund: (a) If a member who is receiving retirement benefits and who has not attained the Social Security normal retirement age for unreduced benefits:~~

~~(1) becomes reemployed in a position covered by this article and~~

~~(2) earns in that position more than the exempt amount; his more than ninety (90) days after the member's retirement, the member's retirement benefit payments shall stop; and continue. Except for a member of the Indiana state teachers' retirement fund who is reemployed more than ninety (90) days after the member's retirement in a position covered by the Indiana state teachers' retirement fund, the member shall begin making contributions as required in IC 5-10.2-3-2, However, and the member's employer shall make contributions shall be made throughout the member's period of reemployment. The earnings limitation under this subsection does not apply to a member who has attained the Social Security normal retirement age for unreduced benefits:~~

~~(c) (b) If a member who is receiving retirement benefits is reemployed in a position covered by this article not more than ninety (90) days after the member's retirement, the member's retirement benefits shall stop, the member shall begin making contributions as required by IC 5-10.2-3-2, and employer contributions shall be made throughout the period of reemployment.~~

~~(d) (c) This subsection does not apply after June 30, 2007, to a member of the Indiana state teachers' retirement fund who is reemployed more than ninety (90) days after the member's~~

retirement in a position covered by the Indiana state teachers' retirement fund. If a retired member is reemployed in a position covered by this article, section 10 of this chapter applies to the member upon the member's retirement from reemployment.

~~(e) (d) The following apply to a member of the Indiana state teachers' retirement fund who after June 30, 2007, is reemployed more than ninety (90) days after the member's retirement in a position covered by the Indiana state teachers' retirement fund:~~

~~(1) The member's retirement benefit payments continue during the member's period of reemployment without regard to the amount of the member's earnings from the covered position.~~

~~(2) The member may not make contributions under IC 5-10.2-3-2 or IC 5-10.4-4-11 during the member's period of reemployment.~~

~~(3) The member's employer may not make contributions under IC 5-10.2-2-11 or IC 5-10.4-4-11 for or on behalf of the member during the member's period of reemployment.~~

~~(4) The member does not earn creditable service under IC 5-10.2-3-1 for the member's period of reemployment.~~

~~(5) The member is not entitled to an additional benefit under sections 9 and 10 of this chapter for the member's period of reemployment."~~

Renumber all SECTIONS consecutively.

(Reference is to EHB 1119 as printed February 22, 2008.)

WEATHERWAX

Motion prevailed.

SENATE MOTION (Amendment 1119-1)

Madam President: I move that Engrossed House Bill 1119 be amended to read as follows:

Page 4, delete lines 6 through 9, begin a new paragraph and insert:

"(b) This section may be implemented unless the local board receives from the Internal Revenue Service a determination that prohibits the implementation."

Page 4, delete lines 20 through 23, begin a new paragraph and insert:

"(b) This section may be implemented unless the local board receives from the Internal Revenue Service a determination that prohibits the implementation."

Page 4, delete lines 34 through 37, begin a new paragraph and insert:

"(b) This section may be implemented unless the local board receives from the Internal Revenue Service a determination that prohibits the implementation."

Page 5, delete lines 6 through 9, begin a new paragraph and insert:

"(b) This section may be implemented unless the PERF board receives from the Internal Revenue Service a determination that prohibits the implementation."

(Reference is to EHB 1119 as printed February 22, 2008.)

TALLIAN

Motion prevailed.

SENATE MOTION
(Amendment 1119-2)

Madam President: I move that Engrossed House Bill 1119 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"(i) This subsection applies to leaves of absence granted under subsection (a) or (b). An appointing authority shall establish a policy in writing that specifies whether a police officer or firefighter is entitled, during a leave of absence, to participate in any promotional process or earn seniority. An appointing authority shall reinstate a police officer or firefighter returning from a leave at the merit or permanent rank determined under the appointing authority's policy established under this subsection. However, except as otherwise provided by federal law, an appointing authority is not required to reinstate a police officer or firefighter in the job that the police officer or firefighter held at the time the police officer's or firefighter's leave began."

(Reference is to EHB 1119 as printed February 22, 2008.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Pursuant to prior authorization from Senator Meeks, Senator Lewis called up Engrossed House Bill 1124 for Second Reading.

Engrossed House Bill 1124

Senator Lewis called up Engrossed House Bill 1124 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1125

Senator Kenley called up Engrossed House Bill 1125 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1125-8)

Madam President: I move that Engrossed House Bill 1125 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-1-11, AS AMENDED BY P.L.214-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) Subject to the limitation contained in subsection (b), "personal property" means:

- (1) nursery stock that has been severed from the ground;
- (2) florists' stock of growing crops which are ready for sale as pot plants on benches;
- (3) billboards and other advertising devices which are located on real property that is not owned by the owner of the devices;
- ~~(4) motor vehicles, mobile houses, airplanes, boats not subject to the boat excise tax under IC 6-6-11, and trailers not subject to the trailer tax under IC 6-6-5;~~
- (5) (4) foundations (other than foundations which support a building or structure) on which machinery or equipment:**

(A) held for sale in the ordinary course of a trade or business;

(B) held, used, or consumed in connection with the production of income; or

(C) held as an investment;

is installed; ~~and~~

~~(6) (5)~~ all other tangible property (other than real property) which is being:

(A) held for sale in the ordinary course of a trade or business;

(B) held, used, or consumed in connection with the production of income; or

(C) held as an investment; **and**

(6) mobile homes that do not qualify as real property and are not described in subdivision (5).

(b) Personal property does not include the following:

(1) Commercially planted and growing crops while ~~they are~~ in the ground.

(2) Computer application software that is not held as inventory (as defined in IC 6-1.1-3-11)."

Page 2, delete lines 1 through 8.

Page 2, line 16, after "A" insert **"motorized"**.

Page 2, line 16, after "A boat" insert **"or sailboat"**.

Page 2, delete lines 29 through 37

Page 41, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 29. [EFFECTIVE JANUARY 1, 2009] (a) The definitions in IC 6-1.1-1 and IC 6-6-5.1, as added by this act, apply throughout this SECTION. As used in this SECTION, "nonbusiness personal property" means personal property that is not:

(1) held for sale in the ordinary course of a trade or business;

(2) held, used, or consumed in connection with the production of income; or

(3) held as an investment.

(b) The purpose of the amendment of IC 6-1.1-1-11 and the addition of IC 6-6-5.1 by this act is to exempt nonbusiness personal property (other than mobile homes) from property taxation to the fullest extent allowed under Article 10, Section 1 of the Constitution of the State of Indiana. The general assembly finds that nonbusiness personal property consisting of:

(1) self-propelled vehicles that are not designed or regularly used for transporting property or persons on a public highway, such as invalid chairs, snowmobiles, yard and garden tractors, and all terrain vehicles;

(2) trailers not subject to an excise tax under IC 6-6-5, IC 6-6-5.1, as added by this act, or IC 6-6-5.5;

(3) human powered boats not subject to an excise tax under IC 6-6-11; or

(4) similar property;

is not the type of property that must be subject to an excise tax in order to be exempted from property taxation. However, if a property tax exemption granted by this act is determined to be invalid, all remaining exemptions granted by this act that are not determined to be invalid shall be treated as severable under IC 1-1-1-8.

(c) After February 28, 2009:

- (1) nonbusiness personal property may not be assessed as personal property under IC 6-1.1 for property tax purposes;
- (2) a lien for property taxes first due and payable after December 31, 2009, does not attach to nonbusiness personal property; and
- (3) the department of local government finance, a county auditor, or an assessing official may not require an individual or entity to file a personal property tax return for nonbusiness personal property.

(d) The department of local government finance may modify property tax levies and property tax rates of a taxing unit to eliminate the effects of the elimination of property taxation of nonbusiness personal property and the implementation of an excise tax on recreational vehicles and truck campers by this act, including an action to increase or impose a property tax:

- (1) in the manner provided in IC 6-1.1-21.2 to replace revenue lost in an allocation area and needed to pay leases or debt service; or
- (2) in a taxing unit to replace a reduction in distributions under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 that were pledged to pay leases or debt service.

Instead of imposing an additional property tax rate under this SECTION to replace revenue lost as the result of an exemption granted under this act, the department of local government finance may order that excise tax revenues received in a county under IC 6-6-5.1, as added by this act, be first applied to replace the lost revenues. The allocated excise tax revenues shall be deducted before making other distributions under IC 6-6-5.1, as added by this act. The department of local government finance may require a taxing unit or other affected party to petition the department of local government finance, under the terms, on the forms, and on the schedule determined by the department of local government finance, as a precondition to modifying a tax levy or tax rate or allocating excise tax revenues under this SECTION.

(e) County auditors and assessing officials shall provide the bureau of motor vehicles and the department of state revenue with the information from personal property tax returns and related records needed by the bureau of motor vehicles and the department of state revenue to implement IC 6-6-5.1, as added by this act, in 2009 on the schedule, in the manner and in the form required by the department of local government finance.

(f) Notwithstanding this act, the definition of personal property in IC 6-1.1-1-11, as effective before January 1, 2009, applies for purposes of applying IC 6-1.1-23-2 and other provisions related to the collection of delinquent property taxes for levies that became a lien on property before January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1125 as reprinted February 22, 2008.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1125-9)

Madam President: I move that Engrossed House Bill 1125 be amended to read as follows:

Page 13, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 10. IC 6-3.1-32-9, AS ADDED BY P.L.235-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A qualified applicant that:

- (1) incurs or makes qualified production expenditures of ~~(A) at least one five hundred thousand dollars (\$100,000); in the case of a qualified media production described in section 5(a)(1) of this chapter; or~~ ~~(B) at least fifty thousand dollars (\$50,000); in the case of a qualified media production described in section 5(a)(2); 5(a)(3); 5(a)(4); or 5(a)(5) of this chapter; and~~ (\$500,000) during a taxable year;

- (2) enters into an agreement with the corporation under section 13 of this chapter; and

- ~~(2) (3)~~ (3) satisfies the ~~other~~ requirements of this chapter;

is entitled to a ~~refundable~~ tax credit as provided in this chapter.

SECTION 11. IC 6-3.1-32-11, AS ADDED BY P.L.235-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. This section applies to a taxpayer that claims qualified production expenditures of at least six million dollars (\$6,000,000) in a taxable year for purposes of ~~the tax credit under this chapter~~. If the corporation approves the granting of a tax credit to the taxpayer under section 13 of this chapter, the amount of the tax credit to which the taxpayer is entitled under this chapter equals the product of:

- (1) the percentage determined by the corporation under section 13 of this chapter; multiplied by
- (2) the amount of the taxpayer's qualified production expenditures in the taxable year.

SECTION 12. IC 6-3.1-32-12, AS ADDED BY P.L.235-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. ~~(a)~~ To receive the tax credit provided by this chapter, a taxpayer must claim the tax credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department: ~~att~~

- (1) a copy of the agreement entered into by the corporation and the taxpayer under section 13 of this chapter for the tax credit; and
- (2) any other information that the department determines is necessary for the calculation of the credit provided under this chapter.

~~(b) In the case of a taxpayer that claims a tax credit under section 11 of this chapter; the taxpayer must also file with the taxpayer's annual state tax return or returns a copy of the agreement entered into by the corporation and the taxpayer under section 13 of this chapter for the tax credit.~~

SECTION 13. IC 6-3.1-32-13, AS ADDED BY P.L.235-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) A taxpayer that proposes to claim a tax credit under ~~section 11~~ of this chapter must, before incurring or making the qualified production expenditures, apply to the corporation for approval of the tax

credit.

(b) After receiving an application under subsection (a), the corporation may enter into an agreement with the applicant for a tax credit under ~~section 11~~ of this chapter if the corporation determines that:

- (1) the applicant's proposed qualified media production:
 - (A) is economically viable; and
 - (B) will increase economic growth and job creation in Indiana; ~~and~~
- (2) the applicant's proposed qualified media production and qualified production expenditures otherwise satisfy the requirements of this chapter; ~~and~~
- (3) the applicant will make or incur qualified production expenses of at least five hundred thousand dollars (\$500,000) during the taxable year for which the credit is claimed.**

(c) If the corporation and an applicant enter into an agreement under this section, the agreement must specify the following:

- (1) The percentage to be used under section 11(1) of this chapter in determining the amount of the tax credit. The percentage may not be more than fifteen percent (15%).
- (2) Any requirements or restrictions that the applicant must satisfy before the applicant may claim the tax credit.
- (3) The extent, if any, to which the tax credit is refundable if the amount of the tax credit exceeds the taxpayer's state tax liability for the taxable year.**

(d) The maximum amount of tax credits that the corporation may approve under this ~~section~~ **chapter** during a particular taxable year for all taxpayers is five million dollars (\$5,000,000).

SECTION 14. IC 6-3.1-32-14, AS ADDED BY P.L.235-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. If the amount of the tax credit provided under this chapter to a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer is entitled to a refund of the excess **only to the extent provided by the agreement entered into by the corporation and the taxpayer under section 13 of this chapter. A taxpayer is not entitled to a carryback or carryover of any unused credit.**"

Page 14, delete lines 1 through 23.

Page 40, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 26. IC 6-3.1-32-10 IS REPEALED [EFFECTIVE JULY 1, 2008]."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1125 as reprinted February 22, 2008.)

KENLEY

The Chair ordered a division of the Senate. Yeas 29, nays 16.

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1140

Senator Dillon called up Engrossed House Bill 1140 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1140-1)

Madam President: I move that Engrossed House Bill 1140 be

amended to read as follows:

Page 2, line 5, after "pedorthist" insert "**that is accredited as required by the federal Centers for Medicare and Medicaid Services;**".

Page 2, delete lines 6 through 10.

Page 3, line 22, after "pedorthist" insert "**that is accredited as required by the federal Centers for Medicare and Medicaid Services;**".

Page 3, delete lines 23 through 27.

Page 4, line 17, after "pedorthist" insert "**that is accredited as required by the federal Centers for Medicare and Medicaid Services;**".

Page 4, delete lines 18 through 22.

(Reference is to EHB 1140 as printed February 22, 2008.)

DILLON

Motion prevailed.

SENATE MOTION
(Amendment 1140-3)

Madam President: I move that Engrossed House Bill 1140 be amended to read as follows:

Page 1, line 8, after "necessity" insert "**as a component of the prosthetic device**".

(Reference is to EHB 1140 as printed February 22, 2008.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Pursuant to prior authorization from Senator Meeks, Senator Arnold called up Engrossed House Bill 1153 for Second Reading.

Engrossed House Bill 1153

Senator Arnold called up Engrossed House Bill 1153 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1153-2)

Madam President: I move that Engrossed House Bill 1153 be amended to read as follows:

Page 4, line 16, after "." insert "**The total amount awarded to a patron who participates in a winner take all drawing may not exceed three hundred dollars (\$300).**".

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 11. IC 4-32.2-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "gross revenue" does not include any amount wagered on a winner take all drawing conducted by a qualified organization under IC 4-32.2-4-13(e).**"

Page 6, line 42, after "." insert "**The term does not include any amount wagered on a winner take all drawing conducted by a retailer under IC 4-36-5-1(b)(2).**".

Page 7, delete lines 22 through 30, begin a new paragraph and insert:

"Sec. 18. "Tavern" means that part of a licensed premises:
(1) that is a separate room from the public spaces of the
licensed premises in which a minor may be present
under IC 7.1-5-7-11(a)(16);
(2) that is used primarily for the serving of alcoholic
beverages by the drink to the general public; and
(3) where food service is secondary to the primary use
described in subdivision (2) in the amount of sales."

Page 8, line 26, delete "The" and insert **"Subject to section 13 of this chapter, the"**.

Page 8, line 26, delete "may" and insert **"shall"**.

Page 13, line 13, delete "retailer's licensed" and insert **"premises of the retailer's tavern:"**.

Page 13, delete line 14.

Page 13, between lines 18 and 19, begin a new paragraph and insert:

(c) The total amount awarded to:

(1) patrons who participate in a raffle permitted under
subsection (b)(1); or

(2) a patron who participates in a winner take all
drawing permitted under subsection (b)(2);

may not exceed three hundred dollars (\$300)."

Page 13, line 19, after "2." insert **"(a)"**.

Page 13, between lines 20 and 21, begin a new paragraph and insert:

"(b) Type II gambling games, raffles, and winner take all
drawings may not be offered in any part of the retailer's
licensed premises in which a minor may be present under
IC 7.1-5-7-11(a)(16)."

Page 13, line 37, after "4." insert **"(a)"**.

Page 13, after line 42, begin a new paragraph and insert:

"(b) As long as a retailer's receipts from the retailer's type
II gambling operation remain on the premises of the
retailer's tavern, the receipts may not be commingled with
the receipts of the retailer's alcoholic beverage sales, food
sales, and other related nongambling activities."

Renummer all SECTIONS consecutively.

(Reference is to EHB 1153 as printed February 22, 2008.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1169

Senator Dillon called up Engrossed House Bill 1169 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1172

Senator Mishler called up Engrossed House Bill 1172 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1172-5)

Madam President: I move that Engrossed House Bill 1172 be amended to read as follows:

Page 56, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 52. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.

(b) During the 2008 interim, the commission shall:

(1) study domestic violence programs administered by the state; and

(2) determine the most appropriate state agency to administer domestic violence programs.

(c) This SECTION expires December 31, 2008."

Renummer all SECTIONS consecutively.

(Reference is to EHB 1172 as printed February 22, 2008.)

MILLER

Motion prevailed.

SENATE MOTION (Amendment 1172-7)

Madam President: I move that Engrossed House Bill 1172 be amended to read as follows:

Page 22, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 14. IC 25-1-7-1, AS AMENDED BY P.L.185-2007, SECTION 4, AS AMENDED BY P.L.193-2007, SECTION 4, AND AS AMENDED BY P.L.200-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects ~~and~~ landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private ~~detectives investigator and security guard~~ licensing board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) *State department of health, for out-of-state mobile health care entities.*
- ~~(37)~~ **(38)** *State board of massage therapy (IC 25-21.8-2-1).*
- ~~(37)~~ ~~(38)~~ **(39)** Any other occupational or professional agency created after June 30, 1981."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1172 as printed February 22, 2008.)

MILLER

Motion prevailed.

SENATE MOTION (Amendment 1172-6)

Madam President: I move that Engrossed House Bill 1172 be amended to read as follows:

Page 22, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 14. IC 24-4-15-5, AS ADDED BY P.L.129-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. An owner or operator of a health club shall do the following:

- (1) Ensure that a defibrillator is:
 - (A) located on the health club premises and is easily accessible to the health club staff, members, and guests;
 - or
 - (B) if:

- (i) the health club is located on the premises of a business of which the health club is a part; and
 - (ii) the business has an emergency response team; located on the premises of the business and easily accessible to the emergency response team.
- (2) Employ at least one (1) individual who:
 - (A) has satisfactorily completed a course approved by the American Red Cross or the American Heart Association consistent with the most current national guidelines for; and
 - (B) is currently certified in; cardiopulmonary resuscitation and defibrillator use.
 - (3) Reasonably ensure that at least one (1) individual described under in subdivision (2) is on the health club premises when staff is present at the health club during the health club's business hours.
 - (4) A health club that is not staffed must have the following on the premises:
 - (A) A telephone for 911 telephone call access.
 - (B) A sign in plain view containing an advisory warning that indicates that members of the unstaffed health spa club should be aware that working out alone may pose risks to the a health spa club member's health and safety.
 - (C) A sign in plain view providing instruction in the use of the automated external defibrillator and in cardiopulmonary resuscitation.
 - (5) Ensure compliance with the requirements set forth in IC 16-31-6.5.
 - (6) Post a sign at each entrance to the health club that indicates the location of each defibrillator.

SECTION 15. IC 24-4-15-7, AS ADDED BY P.L.129-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. ~~(a)~~ The:

- (1) state department and the division of fire and building safety may inspect a health club at any time:
 - ~~(1)~~ (A) according to rules adopted by the state department; or
 - ~~(2)~~ (B) in response to a filed complaint alleging noncompliance with this chapter; and
- (2) fire department that serves the area in which a health club is located shall inspect the health club for compliance with this chapter if the health club is inspected as part of an inspection program under IC 36-8-17-8.

~~(b)~~ A fire department may inspect a health club for compliance with this chapter as part of an inspection program under IC 36-8-17-8-".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1172 as printed February 22, 2008.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1185

Senator Jackman called up Engrossed House Bill 1185 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1187

Senator Lawson called up Engrossed House Bill 1187 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1196

Senator Landske called up Engrossed House Bill 1196 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1210

Senator Sipes called up Engrossed House Bill 1210 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1219

Senator Kruse called up Engrossed House Bill 1219 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1219-4)

Madam President: I move that Engrossed House Bill 1219 be amended to read as follows:

Page 3, line 27, reset in roman "use not more than".
 Page 3, line 27, after "than" insert ":".
 Page 3, delete line 28.
 Page 3, line 30, delete "to" and insert **"for"**.
 Page 3, line 31, reset in roman "provided by".
 Page 3, line 31, after "College" insert **"the state educational institution established under IC 21-25-2-1"**.
 Page 3, line 31, reset in roman "to participants in joint".
 Page 3, reset in roman line 32.
 Page 3, line 33, delete "providers of apprenticeship training approved".
 Page 3, line 35, after "Training" insert ";".
 Page 3, line 38, delete "that have an educational contract for".
 Page 3, delete line 39.
 Page 3, line 40, delete "educational institution established under IC 21-25-2-1".
 Page 3, run in lines 38 through 40.
 Page 3, line 41, delete "training providers".
 Page 3, line 42, delete "of apprenticeship training" and insert **"state educational institution established under IC 21-22-2-1 for participants in the joint labor and management apprenticeship programs"**.
 Page 4, line 1, after "Training" insert ".".
 Page 4, delete lines 2 through 4.
 (Reference is to EHB 1219 as printed February 22, 2008.)

KRUSE

Motion prevailed.

SENATE MOTION
(Amendment 1219-5)

Madam President: I move that Engrossed House Bill 1219 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 18. Citizenship and Immigration Status Information

Sec. 1. As used in this chapter, "governmental body" has the meaning set forth in IC 5-22-2-13.

Sec. 2. A governmental body may not enact an ordinance, a resolution, a rule, or a policy that prohibits or in any way restricts another governmental body, including a law enforcement officer (as defined in IC 5-2-1-2), a state or local official, or a state or local government employee, from taking the following actions with regard to information concerning the citizenship or immigration status, lawful or unlawful, of an individual:

- (1) Communicating or cooperating with federal officials.
- (2) Sending to or receiving information from the United States Department of Homeland Security.
- (3) Maintaining information.
- (4) Exchanging information with another federal, state, or local government entity.

Sec. 3. If a governmental body violates this chapter, a person lawfully domiciled in Indiana may bring an action to compel the governmental body to comply with this chapter.

SECTION 2. IC 10-11-2-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 21.5. (a)** As used in this section, "law enforcement officer" means a:

- (1) police employee;
- (2) county sheriff;
- (3) county police officer;
- (4) county police reserve officer;
- (5) city police officer;
- (6) city police reserve officer;
- (7) town marshal;
- (8) deputy town marshal; or
- (9) member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(b) The superintendent shall negotiate the terms of a memorandum of understanding between the state and the United States Department of Justice or the United States Department of Homeland Security concerning a pilot project for the enforcement of federal immigration and customs laws in Indiana.

(c) The memorandum of understanding described in subsection (b) must be signed on behalf of the state by the superintendent and governor, unless otherwise required by the United States Department of Justice or the United States Department of Homeland Security.

(d) The superintendent shall designate appropriate law enforcement officers to be trained under the memorandum of understanding described in subsection (b).

(e) The department shall apply for federal funding, as available, for the costs associated with training law enforcement officers under the memorandum of understanding described in subsection (b).

(f) A law enforcement officer certified as trained in accordance with the memorandum of understanding described in subsection (b) may enforce federal immigration and customs laws while performing within the scope of the law enforcement officer's duties.

(g) The superintendent shall coordinate efforts, as needed, with the executive director of the department of homeland security to address issues of national security in implementing this section.

SECTION 3. IC 22-4-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) As used in this section, "SAVE program" means the Systematic Alien Verification of Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security.

(b) For weeks of unemployment occurring subsequent to December 31, 1977, benefits may not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence at the time the services are performed, is lawfully present for purposes of performing the services, or otherwise is permanently residing in the United States under color of law at the time the services are performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 207, Section 208, or Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1157 through 1158).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of ~~his~~ the individual's alien status may be made except upon a preponderance of the evidence.

(3) Any modifications to the provisions of Section 3304(a)(14) of the Federal Unemployment Tax Act, as provided by P.L.94-566, which specify other conditions or other effective date than stated in this section for the denial of benefits based on services performed by aliens and which are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be considered applicable under this section.

(c) If an individual who applies for benefits is not a citizen or national of the United States, the department shall verify the lawful presence of the individual to determine the individual's eligibility for benefits through the SAVE program. The department shall implement this subsection in accordance with federal law."

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 5. IC 22-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2009]:

Chapter 1.5. Employment of Unauthorized Aliens

Sec. 1. (a) This chapter applies only to an employee that an employer hires after September 30, 2009.

(b) This chapter does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)) that is subject to regulation by the Indiana utility regulatory commission under IC 8-1-2.

(2) A hospital licensed under IC 16-21.

(3) A county hospital organized under IC 16-22.

(4) A municipal hospital organized under IC 16-23.

(5) A nonprofit corporation.

(6) A person who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle (as defined in IC 16-31-3-0.5).

(7) A corporation organized under IC 8-1-13.

(8) A corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

Sec. 2. As used in this chapter, "agency" means any state or local administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of government created or established by law that issues a license for purposes of operating a business in Indiana.

Sec. 3. As used in this chapter, "employee" means an individual who:

(1) works or is hired to work for at least one thousand five hundred (1,500) hours during a twelve (12) month period;

(2) performs services for an employer; and

(3) is an individual from whom the employer is required to withhold wages under IC 6-3-4-8 or is an employee described in IC 6-3-4-8(l).

Sec. 4. (a) As used in this chapter, "employer" means a person that:

(1) transacts business in Indiana;

(2) has a license issued by an agency; and

(3) employs one (1) or more individuals who perform employment services in Indiana.

(b) The term includes the state, a political subdivision (as defined in IC 3-5-2-38) of the state, and a self-employed person.

Sec. 5. As used in this chapter, "knowingly" has the meaning set forth in IC 35-41-2-2.

Sec. 6. (a) As used in this chapter, "license" means any agency permit, certificate, approval, registration, charter, or similar authorization that is:

(1) required by law; and

(2) issued by an agency;

for purposes of operating a business in Indiana.

(b) The term does not include an occupational or professional license.

Sec. 7. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 8. As used in this chapter, "pilot program" means the employment verification pilot program administered by the United States Department of Homeland Security and the Social Security Administration, or the successor of that

program.

Sec. 9. As used in this chapter, "unauthorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).

Sec. 10. An employer shall not knowingly employ an unauthorized alien.

Sec. 11. (a) Subject to the availability of funds, the attorney general may investigate a complaint filed with the attorney general that an employer knowingly employed an unauthorized alien in violation of section 10 of this chapter.

(b) In investigating a complaint under subsection (a), the attorney general shall verify the work authorization of the alleged unauthorized alien with the federal government under 8 U.S.C. 1373(c).

(c) A complaint filed with the attorney general under subsection (a) must be:

- (1) in writing; and
- (2) signed by the individual filing the complaint.

Sec. 12. A state, county, or local official or employee may not attempt to make independently a final determination as to whether an individual is authorized to work in the United States.

Sec. 13. (a) If, after an investigation, the attorney general determines that an employer has knowingly employed an unauthorized alien, the attorney general shall notify the United States Immigration and Customs Enforcement.

(b) If the attorney general determines that an employer has knowingly employed an unauthorized alien and that any defenses to knowingly employing an unauthorized alien established under this chapter do not apply, the attorney general may notify:

- (1) local law enforcement agencies; and
- (2) the prosecuting attorney in the county in which the unauthorized alien is employed.

The attorney general may not notify law enforcement agencies and the prosecuting attorney about the unauthorized alien unless the attorney general determines that the defenses established under this chapter do not apply.

Sec. 14. (a) The prosecuting attorney may bring a civil action for a violation of section 10 of this chapter against an employer in the county where the unauthorized alien employee is employed.

(b) A prosecuting attorney filing an action under subsection (a) may file only one (1) action against the employer relating to the employment of all unauthorized aliens employed by the employer at the time the prosecuting attorney files the action.

(c) A prosecuting attorney may file an additional action against an employer under this section for a second or subsequent violation of section 10 of this chapter only for violations allegedly committed by the employer after the employer receives notice that the prosecuting attorney has filed the initial action against the employer under this section.

Sec. 15. If a prosecuting attorney files an action under section 14 of this chapter, the court in which the action is filed may hold a hearing and make a determination of the action on an expedited basis.

Sec. 16. (a) Except as provided in sections 18 and 19 of this chapter, if a trier of fact determines that an employer

knowingly employed an unauthorized alien in violation of section 10 of this chapter, the following apply:

(1) The court may do the following:

- (A) Order the employer to terminate the employment of all unauthorized aliens employed by the employer.
- (B) Place the employer on probation for a three (3) year period. During the probationary period, the employer shall file a quarterly report with the attorney general concerning each new individual the employer hires at the specific business location where the unauthorized alien worked.
- (C) Order the employer to file a sworn affidavit signed by the employer with the prosecuting attorney within three (3) business days after the order is issued under clause (A). The affidavit must include a statement that the employer:
 - (i) has terminated the employment of all unauthorized aliens; and
 - (ii) will not knowingly employ an unauthorized alien.

(2) The court, after considering the relevant factors listed in subsection (b), may order an agency to suspend, for not more than ten (10) business days, a license described in section 17(a) of this chapter that is held by the employer.

(b) The court may consider the following factors, if applicable, in deciding whether to order an agency to suspend an employer's license under subsection (a)(2):

- (1) The number of unauthorized aliens employed by the employer.
- (2) Any prior misconduct by the employer.
- (3) The degree of harm resulting from the violation.
- (4) The extent to which the employer made good faith efforts to comply with any applicable requirements under this chapter.
- (5) The duration of the violation.
- (6) The role of the directors, officers, or agents of the employer in the violation.
- (7) Any other factors the court considers relevant.

Sec. 17. (a) This section applies to all licenses held by an employer:

- (1) that are necessary to operate the employer's business at the employer's business location where an unauthorized alien worked; or
- (2) if a license is not necessary at the employer's business location described in subdivision (1), that are held by the employer for the employer's primary place of business.

(b) If an employer fails to file a sworn affidavit required under section 16(a)(1)(C) of this chapter with the prosecuting attorney within three (3) business days after the order requiring the filing of the affidavit is issued, the court may order the appropriate agencies to suspend all licenses that are held by the employer. All licenses suspended under this subsection may remain suspended until the employer files a sworn affidavit described under section 16(a)(1)(C) of this chapter with the prosecuting attorney.

(c) If the employer subject to an order filed under subsection (b) files a sworn affidavit required under section 16(a)(1)(C) of this chapter, the court may order the appropriate agencies to reinstate the employer's suspended licenses.

Sec. 18. If:

- (1) a trier of fact determines that an employer knowingly employed an unauthorized alien in a second violation of section 10 of this chapter; and
- (2) the violation referred to in subdivision (1) occurred not later than ten (10) years after the date of the initial violation;

the court may order the appropriate agencies to suspend, for not more than ten (10) business days, all licenses described in section 17(a) of this chapter that are held by the employer.

Sec. 19. If:

- (1) a trier of fact determines that an employer knowingly employed an unauthorized alien in a third violation of section 10 of this chapter; and
- (2) the violation referred to in subdivision (1) occurred not later than ten (10) years after the date of the initial violation;

the court may order the appropriate agencies to permanently revoke all licenses held by the employer that are described in section 17(a) of this chapter.

Sec. 20. (a) If an agency receives an order from a court under section 16(a)(2), 17(b), or 18 of this chapter, the agency shall immediately suspend the license or licenses described in section 17(a) of this chapter that are held by the employer to which the order relates.

(b) If an agency receives an order from a court under section 19 of this chapter, the agency shall immediately revoke the license or licenses described in section 17(a) of this chapter that are held by the employer to which the order relates.

Sec. 21. A court shall send copies of all orders issued under sections 16, 17, 18, and 19 of this chapter to the attorney general.

Sec. 22. (a) In determining whether an individual is an unauthorized alien for purposes of this chapter, a trier of fact may consider only the federal government's verification or status information provided under 8 U.S.C. 1373(c).

(b) The federal government's verification or status information provided under 8 U.S.C. 1373(c) creates a rebuttable presumption of an individual's lawful status.

(c) The court may:

- (1) take judicial notice of the federal government's verification or status information; and
- (2) request the federal government to provide automated or testimonial verification under 8 U.S.C. 1373(c).

Sec. 23. A prosecuting attorney may not file an action against an employer under section 14 of this chapter for knowingly employing an unauthorized alien if the employer verified the employment authorization of the employed individual through the pilot program.

Sec. 24. An employer may establish as an affirmative defense against an alleged violation under section 10 of this

chapter that the employer complied in good faith with the requirements of 8 U.S.C. 1324a(b).

Sec. 25. The attorney general shall:

- (1) maintain copies of court orders received under section 21 of this chapter;
- (2) make the court orders available on the attorney general's Internet web site; and
- (3) establish and maintain a data base of the names and addresses of the employers that have a violation under this chapter.

Sec. 26. This chapter does not require an employer to take any action that the employer believes in good faith would violate federal law.

Sec. 27. After September 30, 2009, an employer shall verify the employment eligibility of each employee of the employer through the pilot program after hiring the employee.

Sec. 28. A person who files a complaint with the attorney general or a prosecuting attorney under this chapter, knowing that the complaint is false or frivolous, commits a Class B misdemeanor.

Sec. 29. The suspension or revocation of a license under this chapter does not relieve an employer from an obligation to withhold, collect, or pay income tax on wages paid by the employer to an employee.

Sec. 30. This chapter shall be enforced without regard to race or national origin.

SECTION 6. IC 22-5-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.7. Public Contract for Services; Unauthorized Aliens

Sec. 1. As used in this chapter, "contractor" means a person that has or is attempting to enter into a public contract for services with a state agency or political subdivision.

Sec. 2. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 4. As used in this chapter, "public contract for services" means any type of agreement between a state agency or a political subdivision and a contractor for the procurement of services.

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 4-6-3-1.

Sec. 6. As used in this chapter, "subcontractor" means a person that:

- (1) is a party to a contract with a contractor; and
- (2) provides services for work the contractor is performing under a public contract for services.

Sec. 7. As used in this chapter, "unauthorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).

Sec. 8. A state agency or political subdivision may not enter into or renew a public contract for services with a contractor if the state agency or political subdivision knows that the contractor or a subcontractor of the contractor

employs or contracts with an unauthorized alien.

Sec. 9. Before a state agency or political subdivision may enter into a public contract for services with a contractor, the contractor shall certify in a manner that does not violate federal law that the contractor, at the time of the certification, does not employ or contract with an unauthorized alien.

Sec. 10. (a) A contractor or a subcontractor may not employ or contract with an unauthorized alien.

(b) If a contractor violates this section, the state agency or political subdivision shall require the contractor to remedy the violation not later than thirty (30) days after the date the state agency or political subdivision notifies the contractor of the violation.

Sec. 11. (a) Except as provided in subsection (b), if a contractor fails to remedy a violation within the thirty (30) day period provided under section 10(b) of this chapter, the state agency or political subdivision shall terminate the public contract for services with the contractor for breach of the public contract for services.

(b) If a contractor employs or contracts with an unauthorized alien but the state agency or political subdivision (whichever the contractor has a public contract for services with) determines that terminating the public contract for services under subsection (a) would be detrimental to the public interest or public property, the state agency or political subdivision may allow the public contract for services to remain in effect until the state agency or political subdivision procures a new contractor.

(c) If a state agency or political subdivision terminates a public contract for services under subsection (a), the contractor shall be liable to the state agency or political subdivision for actual damages.

Sec. 12. A contractor may file an action with a circuit or superior court having jurisdiction in the county to challenge:

- (1) a notice of a violation to the contractor under section 10(b) of this chapter not later than twenty (20) days after the contractor receives the notice; or
- (2) a termination of a public contract for services under section 11(a) of this chapter not later than twenty (20) days after the state agency or political subdivision terminates the public contract for services with the contractor.

Sec. 13. If a contractor uses a subcontractor, the subcontractor shall certify to the contractor in a manner that does not violate federal law that the subcontractor, at the time of certification, does not employ or contract with an unauthorized alien.

Sec. 14. A contractor shall maintain on file a certification of a subcontractor under section 13 of this chapter throughout the duration of the term of a contract with the subcontractor.

Sec. 15. (a) If a contractor determines that a subcontractor is in violation of this chapter, the contractor may terminate a contract with the subcontractor for the violation.

(b) A contract terminated under subsection (a) for a violation of this chapter by a subcontractor may not be considered a breach of contract by the contractor or the

subcontractor.

(c) A subcontractor may file an action with a circuit or superior court having jurisdiction in the county to challenge a termination of a contract under subsection (a) not later than twenty (20) days after the contractor terminates the contract with the subcontractor.

SECTION 7. IC 34-30-2-87.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2009]: Sec. 87.3. IC 22-5-1.5-23 (Concerning certain employers that employ unauthorized aliens).

SECTION 8. IC 35-44-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Offenses Relating to Illegal Aliens

Sec. 1. This chapter does not apply to the following:

- (1) A church or religious organization.
- (2) The provision of assistance for health care items and services that are necessary for the treatment of an emergency medical condition of an individual.
- (3) A health care provider (as defined in IC 16-18-2-163(a)) that is providing health care services.
- (4) An attorney or other person that is providing legal services.
- (5) A person who:
 - (A) is a spouse of an alien or who stands in relation of parent or child to an alien; and
 - (B) would otherwise commit an offense under this chapter with respect to the alien.

Sec. 2. As used in this chapter, "alien" has the meaning set forth in 8 U.S.C. 1101(a).

Sec. 3. As used in this chapter, "federal immigration agency" means an agency of the federal government responsible for the determination of the immigration status of aliens present in the United States.

Sec. 4. Except as provided in section 6 of this chapter, a person who:

- (1) transports; or
- (2) moves;

an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law commits transporting an illegal alien, a Class A misdemeanor.

Sec. 5. Except as provided in section 6 of this chapter, a person who:

- (1) conceals;
- (2) harbors; or
- (3) shields from detection;

an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law commits harboring an illegal alien, a Class A misdemeanor.

Sec. 6. (a) Except as provided under subsection (b), an offense under section 4 or 5 of this chapter is a Class D felony

if the:

- (1) person has a prior unrelated conviction under section 4 or 5 of this chapter; or
- (2) offense involved more than five (5) aliens.

(b) The offense is a Class C felony if the person has a prior unrelated conviction under this section.

Sec. 7. A determination by a federal immigration agency that an alien has come to, entered, or remained in the United States in violation of law creates a rebuttable presumption that the alien is in the United States in violation of law.

SECTION 9. [EFFECTIVE OCTOBER 1, 2009] A prosecuting attorney may file an action against an employer under IC 22-5-1.5-14, as added by this act, only for a violation of IC 22-5-1.5-10, as added by this act, that occurs after September 30, 2009.

SECTION 10. [EFFECTIVE JULY 1, 2008] IC 35-44-5-4 and IC 35-44-5-5, both as added by this act, apply only to crimes committed after June 30, 2008.

SECTION 11. [EFFECTIVE JULY 1, 2008] (a) The attorney general may request funding to implement IC 22-5-1.5-11, as added by this act, in the next biennial budget submission.

(b) This SECTION expires July 1, 2012."

(Reference is to EHB 1219 as printed February 22, 2008.)

DELPH

The Chair ordered a division of the Senate. Yeas 28, nays 16.

Motion prevailed.

SENATE MOTION
(Amendment 1219-2)

Madam President: I move that Engrossed House Bill 1219 be amended to read as follows:

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" means the pension management oversight commission established by IC 2-5-12-1.

(b) The commission shall study:

- (1) discrimination by employers, employment agencies, and labor organizations against persons who are at least forty (40) years of age; and**
- (2) which state agency should have jurisdiction over age discrimination proceedings.**

(c) The commission shall make recommendations to the general assembly regarding the need for legislation concerning age discrimination and the appropriate state agency to have jurisdiction over age discrimination proceedings.

(d) The commission shall report the results of its study required under this section to the legislative council before November 1, 2008. The report must be in electronic format under IC 5-14-6.

(e) This SECTION expires November 1, 2008."

(Reference is to EHB 1219 as printed February 22, 2008.)

TALLIAN

Motion prevailed.

SENATE MOTION
(Amendment 1219-1)

Madam President: I move that Engrossed House Bill 1219 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-4-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)]:
Sec. 1. (a) "Deductible income" wherever used in this article, means income deductible from the weekly benefit amount of an individual in any week, and shall include, but shall not be limited to:

- (1) remuneration for services from employing units, whether or not such remuneration is subject to contribution under this article, except as provided in subsection (c);
- (2) dismissal pay;
- (3) vacation pay;
- (4) pay for idle time;
- (5) holiday pay;
- (6) sick pay;
- (7) traveling expenses granted to an individual by an employing unit and not fully accounted for by such individual;
- (8) net earnings from self-employment;
- (9) payments in lieu of compensation for services;
- (10) awards by the national labor relations board of additional pay, back pay, or for loss of employment; or any such payments made under an agreement entered into by an employer, a union, and the National Labor Relations Board; or
- (11) payments made to an individual by an employing unit pursuant to the terms of the Fair Labor Standards Act (Federal Wage and Hour Law, 29 U.S.C. 201 et seq.).

(b) Deductible income shall not include the first three dollars (\$3), or twenty percent (20%) of the claimant's weekly benefit amount rounded to the next lowest dollar, whichever is the larger, of remuneration paid or payable to an individual with respect to any week by other than ~~his~~ **the individual's** base period employer or employers.

(c) For the purpose of deductible income only, remuneration for services from employing units does not include:

- (1) bonuses, gifts, or prizes awarded to an employee by an employing unit; or**
- (2) compensation made pursuant to a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement.**

SECTION 2. IC 22-4-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)]:
Sec. 1. **(a) Except as provided in subsection (b) or (c), an unemployed individual shall be eligible to receive benefits with respect to any week only if ~~he~~ the individual has made a claim for benefits in accordance with the provisions of ~~IC 19-17-1, 22-4-17-1~~ hereof. Provided, however, That IC 22-4-17.**

(b) A person accepting who:

- (1) accepts a layoff under an inverse seniority clause of a validly negotiated contract; ~~be~~ and**

(2) otherwise meets the eligibility requirements established by this article;

is entitled to ~~at~~ receive benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person. under the terms of this article. Provided; That he meets the other requirements of this article:

(c) A person who:

(1) accepts an early retirement offer or other compensation offered by an employer to avert or lessen the effect of a layoff or plant closure; and

(2) otherwise meets the eligibility requirements established by this article;

is entitled to receive benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person."

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE MARCH 1, 2007 (RETROACTIVE)] IC 22-4-5-1 and IC 22-4-14-1, both as amended by this act, apply to initial claims for unemployment filed for a week that begins after February 28, 2007.

SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1219 as printed February 22, 2008.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 246: yeas 17, nays 30.

Motion failed.

SENATE MOTION (Amendment 1219-3)

Madam President: I move that Engrossed House Bill 1219 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-8-8.7, AS ADDED BY P.L.226-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.7. (a) The department shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the department on all individuals:

(1) who hold one (1) or more accounts with the financial institution; and

(2) upon whom a levy may be issued by the department or a county treasurer.

(c) To provide the information required under subsection (b), a financial institution shall do one (1) of the following:

(1) Identify individuals by comparing records maintained by the financial institution with records provided by the department by:

(A) name; and

(B) either:

(i) Social Security number; or

(ii) tax identification number.

(2) Comply with IC 31-25-4-31(c)(2). The child support bureau established by IC 31-25-3-1 shall regularly make

reports submitted under IC 31-25-4-31(c)(2) ~~available~~ accessible to the department or its agents for use only in tax judgment and levy administration.

(d) The information required under subsection (b) must:

(1) be provided on a quarterly basis; and

(2) include the:

(A) name;

(B) address of record; and

(C) either:

(i) the Social Security number; or

(ii) tax identification number;

of individuals identified under subsection (b).

(e) When the department determines that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual against whom a levy may be issued by the department or a county treasurer, the department or its agents shall provide a notice of the match, in compliance with section 4 of this chapter, if action is to be initiated to levy or encumber the account.

(f) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or

(2) set off from an account held by the financial institution in which the individual has an interest in any debts owed to the financial institution that existed before:

(A) the state's levy; and

(B) notification to the financial institution of the levy.

(g) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(h) All information provided by a financial institution under this section is confidential and is available only to the department or its agents for use only in levy collection activities.

(i) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the department or the child support bureau established by IC 31-25-3-1;

(2) blocking or surrendering an individual's assets in response to a levy imposed under this section by:

(A) the department; or

(B) a person or an entity acting on behalf of the department; or

(3) any other action taken in good faith to comply with this section.

(j) A person or an entity that is acting on behalf of the department is not liable for any action taken in good faith to collect the state's levy under this section unless:

(1) the action is contrary to the department's direction to the person or entity; or

(2) for information provided under this section, the person or entity acts with:

(A) deliberate ignorance of the truth or falsity of the information; or

(B) reckless disregard for the truth or falsity of the information.

⌘ (k) The department or its agents shall pay a financial

institution performing the data match required by this section a reasonable fee, as determined by the department, of at least five dollars (\$5) for each levy issued to the financial institution.

~~(k)~~ (l) This section does not prevent the department or its agents from encumbering an obligor's account with a financial institution by any other remedy available under the law."

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 3. IC 22-4-29-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The department shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the department on all employers:

(1) that hold one (1) or more accounts with the financial institution; and

(2) that are subject to a warrant issued by the commissioner for failure to pay a final assessment for contributions, interest, penalties, and any associated collection costs.

(c) To provide the information required under subsection (b), a financial institution shall do one (1) of the following:

(1) Identify employers by comparing records maintained by the financial institution with records provided by the department by:

(A) name; and

(B) either:

(i) Social Security number; or

(ii) federal tax identification number.

(2) Comply with IC 31-25-4-31(c)(2). The child support bureau established by IC 31-25-3-1 shall regularly make reports submitted under IC 31-25-4-31(c)(2) accessible to the department or its agents for use only in the collection of unpaid final assessments described in subsection (b)(2).

(d) The information required under subsection (b) must:

(1) be provided on a quarterly basis; and

(2) include:

(A) the name;

(B) the address of record; and

(C) either:

(i) the Social Security number; or

(ii) the federal tax identification number;

of the employers identified under subsection (b).

(e) When the department determines that the information required under subsection (d)(2) is identical for an employer that holds an account with a financial institution and an employer that is subject to a warrant issued by the commissioner for failure to pay a final assessment for contributions, interest, penalties, and any associated collection costs, the department or its agents shall provide a notice of the match to the financial institution if action is to be initiated to issue a warrant to levy upon or encumber the account.

(f) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or
(2) set off from an account held by the financial institution in which the employer has an interest in any debts owed to the financial institution that existed before:

(A) the department's warrant; and

(B) notification to the financial institution of the department's warrant.

(g) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(h) All information provided by a financial institution under this section is confidential and is available only to the department or its agents for use only in the collection of unpaid final assessments described in subsection (b)(2).

(i) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the department or the child support bureau established by IC 31-25-3-1;

(2) blocking or surrendering an individual's assets in response to a levy imposed under this section by:

(A) the department; or

(B) a person or an entity acting on behalf of the department; or

(3) any other action taken in good faith to comply with this section.

(j) A person or an entity that is acting on behalf of the department is not liable for any action taken under this section in good faith to collect unpaid final assessments described in subsection (b)(2) unless:

(1) the action is contrary to the department's direction to the person or entity; or

(2) for information provided under this section, the person or entity acts with:

(A) deliberate ignorance of the truth or falsity of the information; or

(B) reckless disregard for the truth or falsity of the information.

(k) The department or its agents shall pay a financial institution performing the data match required by this section a reasonable fee, as determined by the department, of at least five dollars (\$5) for each warrant issued to the financial institution.

(l) This section does not prevent the department or its agents from encumbering an employer's account with a financial institution by any other remedy available under the law.

SECTION 4. IC 22-4-31-6, AS AMENDED BY P.L.108-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If, after due notice, any employing unit defaults in the payment of any contributions or other money payments required by this article, the amount due may be collected by civil action in the name of the state of Indiana on the relation of the department. Such civil action is not to be considered as the exclusive method for collection of the contributions or money payments but is in

addition to the method provided in IC 22-4-29-2 through ~~IC 22-4-29-12~~ **IC 22-4-29-14** and is to be brought only in such cases as the department may deem advisable in the interest of necessity and convenience.

(b) Unless the employing unit prevails in a civil action brought under this chapter, the court may award costs, including reasonable attorney's fees, incurred by the state in bringing the action.

SECTION 5. IC 31-25-4-31, AS AMENDED BY P.L.103-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The bureau shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

- (1) hold one (1) or more accounts with the financial institution; and
- (2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

- (1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

- (A) name; and
- (B) either Social Security number or tax identification number; or

- (2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution. **The reports submitted under this subdivision must be accessible to:**

- (A) **the department of state revenue established by IC 6-8.1-2-1 or its agents for use only in tax judgment and levy administration described in IC 6-8.1-8-8.7(b)(2); or**
- (B) **the department of workforce development established by IC 22-4.1-2-1 or its agents for use only in the collection of unpaid final assessments described in IC 22-4-29-14(b)(2).**

(d) The information required under subsection (b) must:

- (1) be provided on a quarterly basis; and
- (2) include the:
 - (A) name;
 - (B) address of record; and
 - (C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

- (1) individual; and
- (2) financial institution holding the account.

(f) The notice under section (e) must inform the individual that:

- (1) the individual's account in a financial institution is subject to a child support lien; and
- (2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

(g) The bureau shall hold a hearing under 470 IAC 1-4. The department's final action following a hearing held under this subsection is subject to judicial review as provided in 470 IAC 1-4.

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

- (1) a financial institution; or
- (2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

- (1) one hundred twenty (120) days after issuance;
- (2) the date the asset on which the lien is issued is surrendered; or
- (3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

- (1) charge back or recoup a deposit to an account; or
- (2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:
 - (A) the state's lien; and
 - (B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

- (1) disclosing the required information to the bureau, **the department of state revenue established by IC 6-8.1-2-1, or the department of workforce development established by IC 22-4.1-2-1;**
- (2) blocking or surrendering any of an individual's assets in response to a lien imposed by:
 - (A) the bureau under this section; or
 - (B) a person or entity acting on behalf of the bureau; or
- (3) any other action taken in good faith to comply with this section.

(n) The department shall pay a financial institution performing the data match required by this section a reasonable fee for providing the service that does not exceed the actual cost incurred by the financial institution.

(o) This section does not prevent the bureau or its agents from encumbering an obligor's account with a financial institution by any other remedy available for the enforcement of a child support order.

SECTION 6. IC 34-30-2-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. IC 6-8.1-8-8.7 (Concerning actions taken to collect tax judgments and levies).**

SECTION 7. IC 34-30-2-86.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 86.7. IC 22-4-29-14 (Concerning actions taken to collect unemployment insurance assessments).**

SECTION 8. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1219 as printed February 22, 2008.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1220

Senator Charbonneau called up Engrossed House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Pursuant to prior authorization from Senator Meeks, Senator Becker called up Engrossed House Bill 1224 for Second Reading.

Engrossed House Bill 1224

Senator Becker called up Engrossed House Bill 1224 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1224-3)

Madam President: I move that Engrossed House Bill 1224 be amended to read as follows:

Page 2, delete lines 10 through 20, begin a new paragraph and insert:

"SECTION 2. IC 4-31-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) The following rules are void:**

(1) 71 IAC 11-1-13(d), as added by the emergency rule adopted by the commission in LSA Document #07-341.

(2) Any other emergency or formal rule adopted after May 31, 2007, making the commission's approval of a proposed transfer of an ownership interest in a permit issued under IC 4-31-5 subject to the commission's consideration of the economic benefits realized by the person transferring the ownership interest and the state's receipt of a voluntary or involuntary payment from the person transferring the ownership interest.

(b) The commission may not do the following:

(1) Impose by rule a fee that is not authorized by this article on any party to a proposed transfer of an ownership interest in a permit issued under IC 4-31-5.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a permit issued under IC 4-31-5 contingent upon the payment of any amount that is not authorized by this article."

Page 14, between lines 9 and 10, begin a new paragraph and insert:

"(b) The treasurer of state shall refund any amount paid to the state under the authority of a rule voided by this act."

Page 14, line 10, delete "(b)" and insert "(c)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1224 as printed February 22, 2008.)

BRODEN

Senator Broden withdrew the motion. The bill was ordered engrossed.

Engrossed House Bill 1246

Senator Lubbers called up Engrossed House Bill 1246 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1249

Senator Wyss called up Engrossed House Bill 1249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1271

Senator Sipes called up Engrossed House Bill 1271 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1271-1)

Madam President: I move that Engrossed House Bill 1271 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-41-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.5. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:**

(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.

SECTION 2. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for each day he the person is imprisoned for a crime or confined awaiting trial or sentencing.**

(b) A person assigned to Class II earns one (1) day of credit time for every two (2) days ~~he~~ **the person** is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class III earns no credit time.

(d) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing."

Page 4, after line 19, begin a new paragraph and insert:

"SECTION 4. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A person **who is not a credit restricted felon and who is** imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.

(b) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV. A credit restricted felon may not be assigned to Class I or Class II.

~~(b)~~ **(c) A person who is not assigned to Class IV** may be reassigned to Class II or Class III if ~~he~~ **the person** violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which ~~he~~ **the person** is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, ~~he~~ **the person** must be granted a hearing to determine ~~his~~ **the person's** guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive ~~his~~ **the** right to the hearing.

(d) A person who is assigned to Class IV may be reassigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.**
- (2) A rule of the penal facility in which the person is imprisoned.**
- (3) A rule or condition of a community transition program.**

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(c)~~ **(e)** In connection with the hearing granted under subsection ~~(b)~~, **(c) or (d)**, the person is entitled to:

- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in ~~his~~ **the person's** own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a

witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if ~~his~~ **the person's** testimony or any evidence derived from ~~his~~ **the person's** testimony is used in any criminal proceedings; and

(10) have ~~his~~ **the person's** record expunged of any reference to the charge if ~~he~~ **the person** is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

~~(d)~~ **(f)** A person may be reassigned from Class III to Class I, ~~or~~ **Class II, or Class IV**, or from Class II to Class I. A person's assignment to Class III or Class II shall be reviewed at least once every six (6) months to determine if ~~he~~ **the person** should be reassigned to a higher credit time class. **A credit restricted felon may not be reassigned to Class I or Class II.**

SECTION 5. IC 35-50-6-5, AS AMENDED BY P.L.173-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ **the person** may also be reassigned to Class II **(if the person is not a credit restricted felon)** or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in ~~section 4(c)~~ **section 4(e)** of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 6. [EFFECTIVE JULY 1, 2008] IC 35-41-1-5.5, as added by this act, and IC 35-50-6-3, IC 35-50-6-4, and IC 35-50-6-5, all as amended by this act, apply only to persons convicted after June 30, 2008."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1271 as printed February 22, 2008.)

DROZDA

The Chair ordered a division of the Senate. Yeas 30, nays 12.

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1276

Senator Paul called up Engrossed House Bill 1276 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1280

Senator Hershman called up Engrossed House Bill 1280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1284

Senator Paul called up Engrossed House Bill 1284 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1284-1)

Madam President: I move that Engrossed House Bill 1284 be amended to read as follows:

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 4. IC 27-8-11-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section, "dialysis facility" means an outpatient facility in Indiana at which a dialysis treatment provider provides dialysis treatment.

(b) As used in this section, "contracted dialysis facility" means a dialysis facility that has entered into an agreement with a particular insurer under section 3 of this chapter.

(c) Notwithstanding section 1 of this chapter, as used in this section, "insured" refers only to an insured who requires dialysis treatment.

(d) As used in this section, "insurer" includes the following:

- (1) An administrator licensed under IC 27-1-25.
- (2) An agent of an insurer.

(e) As used in this section, "non-contracted dialysis facility" means a dialysis facility that has not entered into an agreement with a particular insurer under section 3 of this chapter.

(f) An insurer shall not require an insured, as a condition of coverage, to travel more than thirty (30) miles from the insured's home to obtain dialysis treatment, regardless of whether the insured chooses to receive dialysis treatment at a contracted dialysis facility or a non-contracted dialysis facility.

SECTION 5. IC 27-13-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. "Dialysis facility" means an outpatient facility in Indiana at which a dialysis treatment provider provides dialysis treatment.

SECTION 6. IC 27-13-15-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Notwithstanding IC 27-13-1-12, as used in this section, "enrollee" refers only to an enrollee who requires dialysis treatment.

(b) As used in this section, "health maintenance organization" includes the following:

- (1) A limited service health maintenance organization.
- (2) An agent of a health maintenance organization or a limited service health maintenance organization.

(c) A health maintenance organization shall not require an enrollee, as a condition of coverage, to travel more than thirty (30) miles from the enrollee's home to obtain dialysis treatment, regardless of whether the enrollee chooses to receive dialysis treatment at a dialysis facility that is a participating provider or a dialysis facility that is not a participating provider.

SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1284 as printed February 19, 2008.)

BECKER

Motion prevailed.

SENATE MOTION (Amendment 1284-2)

Madam President: I move that Engrossed House Bill 1284 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning insurance and health."

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.

(b) As used in this SECTION, "taxpayer" means an individual or entity that has state tax liability.

(c) Not later than September 1 of each year, the department of state revenue shall submit a written report in an electronic format under IC 5-14-6 to the commission with the following information, if possible, concerning the health benefit tax credit provided under IC 6-3.1-31:

- (1) The number of taxpayers that have taken:

- (A) the first year credit; and
- (B) the second year credit;

in the previous taxable year.

- (2) The amount of each credit taken.

- (3) The amount of any carryover credit.

- (4) Any other information the department of state revenue determines is relevant.

(d) This SECTION expires December 31, 2010.

SECTION 4. [EFFECTIVE JULY 1, 2008] (a) As used in

this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.

(b) As used in this SECTION, "program" refers to the Indiana check-up plan established by IC 12-15-44-3.

(c) Not later than September 1 of each year, the office of the secretary of family and social services shall report the following information concerning the program to the commission:

- (1) An update on the implementation of the program.
- (2) The number of individuals who have applied for the program.
- (3) The number of individuals participating in the program.
- (4) The federal income level of individuals participating in the program.
- (5) Any other information the office of the secretary determines is relevant.

(d) This SECTION expires December 31, 2010."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1284 as printed February 19, 2008.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1286

Senator Gard called up Engrossed House Bill 1286 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1286-1)

Madam President: I move that Engrossed House Bill 1286 be amended to read as follows:

Page 5, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "budget agency" means the state agency created by IC 4-12-1-3.

(b) As used in this SECTION, "INCOLSA" refers to the Indiana cooperative library services authority established under IC 36-12-8.

(c) As used in this SECTION, "state library" refers to the Indiana state library established by IC 4-23-7-3.

(d) Before merging and converting into a domestic nonprofit corporation as authorized by IC 36-12-8.5, as added by this act, INCOLSA shall:

- (1) pay to the budget agency seven hundred thousand dollars (\$700,000) in settlement of all noncontractual amounts owed to the state on January 1, 2008; and
- (2) transfer to the state library ownership of the INSPIRE trademark (name and logo).

(e) INCOLSA shall make the payment required by subsection (d)(1) and the transfer required by subsection (d)(2) not later than June 30, 2008.

(f) This SECTION expires July 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1286 as printed February 22, 2008.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1288

Senator Dillon called up Engrossed House Bill 1288 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1290

Senator Lawson called up Engrossed House Bill 1290 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1290-1)

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Page 1, delete line 1 through 17.

Page 2, delete lines 1 through 5.

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"(c) This section may not be construed to require the licensing of a individual who provides foster care to a relative."

Page 5, line 25, after "(h)" insert "An individual who receives foster care for older youth under IC 31-28-5.7 shall not be considered as an individual under subsection (f) who can be one (1) of two (2) individuals who may receive supervision and care in a therapeutic foster family home.

(i)".

Page 7, line 31, delete "may petition a court" and insert "is eligible".

Page 7, line 31, after "care" insert "services".

Page 7, line 32, after "age." begin a new paragraph and insert:

"(b) An individual described in subsection (a) may request the department to petition a court to receive older youth foster care services.

(c)".

Page 7, line 38, delete "(b)" and insert "(d) An individual may request the department to petition a court for older youth foster care if the individual is at least seventeen (17) years and six (6) months of age.

(e) If an older youth receiving foster care:

- (1) is receiving foster care because the older youth planned on attending a vocational or educational certification program; and
- (2) does not begin attending a vocational or educational certification program within nine (9) months after the individual's eighteenth birthday;

foster care for the individual ceases without further action of the court.

(f)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1290 as printed February 22, 2008.)

LAWSON

Motion prevailed.

SENATE MOTION (Amendment 1290-2)

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Page 8, line 41, after "agency" insert **"in the receiving state"**.

Page 12, line 22, after "(1)" insert **"The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, if the placement is not intended to effectuate an adoption.**

(2)".

Page 12, line 26, delete "(2)" and insert "(3)".

Page 12, line 29, delete "(3)" and insert "(4)".

Page 12, line 31, delete "(4)" and insert "(5)".

Page 12, line 40, delete "(5)" and insert "(6)".

Page 13, line 1, delete "(6)" and insert "(7)".

Page 13, line 5, delete "(7)" and insert "(8)".

Page 13, line 25, after "subsection (g)" insert **"and ARTICLE V, subsection (b)(2) and (b)(3),"**.

Page 13, line 26, after "adoptions," insert **"and in interstate placements in which the public child placing agency is not a party to a custody proceeding,"**.

Page 14, line 42, after "and" insert **"immediate"**.

Page 15, line 2, delete "for" and insert **"to accompany"**.

Page 15, line 7, after "(2)" insert **"The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or where permitted, the laws of the state where the adoption will be finalized.**

(3)".

Page 15, line 7, delete "other".

Page 15, line 8, after "agent" insert **"of a private adoption agency"**.

Page 15, line 11, delete "(3)" and insert "(4)".

Page 15, line 12, delete "(4)" and insert "(5)".

(Reference is to EHB 1290 as printed February 22, 2008.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1293

Senator Bray called up Engrossed House Bill 1293 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1293-1)

Madam President: I move that Engrossed House Bill 1293 be amended to read as follows:

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-5.5-3, AS AMENDED BY P.L.219-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) **Subject to subsections (g) and (h),** before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form. **For conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.**

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp **or otherwise approve** the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:

(A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and

(B) ~~the form~~ **both of the following conditions are satisfied:**

(i) ~~substantially conforms to the sales disclosure form prescribed by the department of local government finance under section 5~~ **The form contains the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through 5(a)(16) of this chapter. and**

(ii) **The form** is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(c) Except as provided in subsection (d), the auditor shall **review each sales disclosure form and process any homestead credit and deduction for which the form serves as an application under IC 6-1.1-12-44 and IC 6-1.1-20.9-3.5. The auditor shall** forward each sales disclosure form to the county assessor. **The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor.** The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The county assessor

shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor **shall review each sales disclosure form and process any homestead credit and deduction for which the form serves as an application under IC 6-1.1-12-44 and IC 6-1.1-20.9-3.5. The auditor** shall forward the sales disclosure form to the appropriate township assessor. **The township assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor.** The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The forms may be used by the county assessing officials, **the county auditor**, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(f) County assessing officials, **county auditors**, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

(g) **Except as provided in subsection (h), a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.**

(h) **Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district."**

Delete page 3.

Page 4, delete lines 1 through 33.

Page 5, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-5.5-5, AS AMENDED BY P.L.154-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number **(as defined in IC 6-1.1-1-8.5) of the each parcel.** ~~(as defined in IC 6-1.1-1-8.5);~~
- (2) **With respect to each parcel**, whether the entire parcel is being conveyed.
- (3) The address of ~~the property:~~ **each improved parcel.**
- (4) The date of the execution of the form.

(5) The date the property was transferred.

(6) Whether the transfer includes an interest in land or improvements, or both.

(7) Whether the transfer includes personal property.

(8) An estimate of **the value of** any personal property included in the transfer.

(9) The name, address, and telephone number of:

(A) each transferor and transferee; and

(B) the person that prepared the form.

(10) The mailing address to which the property tax bills or other official correspondence should be sent.

(11) The ownership interest transferred.

(12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).

(13) **Subject to subsection (c)**, the total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.

(14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.

(15) Any family or business relationship existing between the transferor and the transferee.

(16) A legal description of each parcel subject to the conveyance.

(17) Whether the transferee is using the form to claim the following for property taxes first due and payable in a calendar year after 2008:

(A) One (1) or more deductions under IC 6-1.1-12-44.

(B) The homestead credit under IC 6-1.1-20.9-3.5.

(18) If the transferee uses the form to claim the homestead credit under IC 6-1.1-20.9-3.5, the name of any other county and township in which the transferee of residential real property owns or is buying residential real property.

~~(16)~~ **(19) Other information as required by the department of local government finance to carry out this chapter.**

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

(c) If the conveyance includes more than one (1) parcel as described in section 3(h) of this chapter, the form:

(1) is not required to include the price referred to in subsection (a)(13) for each of the parcels subject to the conveyance; and

(2) may state a single combined price for all of those parcels."

Page 6, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1293 as printed February 20, 2008.)

BRAY

Motion prevailed.

SENATE MOTION
(Amendment 1293-3)

Madam President: I move that Engrossed House Bill 1293 be amended to read as follows:

Page 49, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 53. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-20.9-1 apply throughout this SECTION.

(b) The department of local government finance shall adopt rules under IC 4-22-2 before January 1, 2009, to establish guidelines to enforce the application of the homestead credit only to an individual's principal place of residence as required by IC 6-1.1-20.9-1(2). The rules must establish the means for the county auditor to ascertain whether:

(1) an individual who claims a homestead credit under IC 6-1.1-20.9:

(A) owns;

(B) is buying under contract; or

(C) has a beneficial interest in a taxpayer that owns or is buying under contract; a dwelling outside Indiana; and

(2) the dwelling referred to in subdivision (1) is the individual's principal place of residence.

(c) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1293 as printed February 20, 2008.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1318

Senator Becker called up Engrossed House Bill 1318 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1318-1)

Madam President: I move that Engrossed House Bill 1318 be amended to read as follows:

Page 2, line 22, delete "fifty" and insert "thirty".

Page 2, line 23, delete "(\$17.50)." and insert "(\$17.30)."

(Reference is to EHB 1318 as printed February 22, 2008.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1341

Senator Charbonneau called up Engrossed House Bill 1341 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1341-1)

Madam President: I move that Engrossed House Bill 1341 be amended to read as follows:

Page 20, reset in roman lines 9 through 10.

Page 26, line 14, delete "or if required to maintain port

security,".

(Reference is to HB 1341 as printed February 22, 2008.)

TALLIAN

Upon request of Senator Hershman the President ordered the roll of the Senate to be called. Roll Call 247: yeas 12, nays 35.

Motion failed. The bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1162

Senator Lawson called up Engrossed House Bill 1162 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 248: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1250

Senator Hershman called up Engrossed House Bill 1250 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 27, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1259

Senator Becker called up Engrossed House Bill 1259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

6:21 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 6:37 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1074.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as cosponsor of Engrossed House Bill 1276.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1140.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1118.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1074.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1259.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1318.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as second sponsor of Engrossed House Bill 1219.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 235.

LANDSKE

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 31:

Conferees: Zakas, Chair and Arnold

Advisors: Landske and Broden

LONG

Date: 2/25/2008

Time: 9:25 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 62:

Conferees: Steele, Chair and Broden

Advisors: Drozda and Tallian

LONG

Date: 2/25/2008

Time: 9:20 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 91:

Conferees: Delph, Chair and Skinner

Advisors: Becker and Sipes

LONG

Date: 2/25/2008

Time: 9:22 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 164:

Conferees: Miller, Chair and Sipes

Advisors: Lawson and Rogers

LONG
Date: 2/26/2008
Time: 11:08 a.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 78, 213, and 235 with amendments and the same are herewith returned to the Senate for concurrence.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 43 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1001

Senator Kenley called up Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 33, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1172.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Wednesday, February 27, 2008.

LONG

Motion prevailed.

The Senate adjourned at 7:15 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate